

**REMARKS/ARGUMENTS**

Reconsideration of this application is respectfully requested.

The allowance of claims 1-12 and 15-17 is appreciatively noted. No further comment will be made with respect to these allowed claims.

In response to the rejection of claims 13 and 14 under 35 U.S.C. §112, second paragraph, these claims have been amended so as to clarify that recitations following the phrase "such that" are intended to be part of the claimed invention. If the Examiner has some further or alternate wording that would be preferred to achieve this effect, it is respectfully requested that the undersigned be telephoned such that some additional amendment could be worked out promptly.

The rejection of claims 13 and 14 under 35 U.S.C. §103 as allegedly being made "obvious" based on Kilkki '326 in view of Wilkinson '478 and in further view of Kari '682 is respectfully traversed.

The Examiner asserts that Kilkki assigns priority labels from a predetermined cyclic sequence of eight labels. However, the applicants can find nothing in Kilkki to support the Examiner's assertion (Office Action, page 3, line 10) to suggest that the sequence of priorities is cyclic - on the contrary the priority is determined by computation of the ratio of "MBR" to "NBR" - see Kilkki column 8, line 19.

However, the Kari reference does disclose a cyclic priority sequence - see Figure 2a. Both Kari's sequence and applicant's are arranged such that dropping the lower priorities leaves the remaining messages as evenly spaced as possible. However, Kari's sequence only uses four different priority levels (on a scale of P1 to P4) for 15 time slots. Applicant's claims (as above amended) require the number of priority levels ( $m-n+1$ ) to be equal to the number of messages in each cycle, which is certainly not the case in Kari.

In applicant's case, each message in a cycle has its own priority level, unique within that cycle. This has the advantage over Kari's system that any number of messages can be dropped from the sequence, according to circumstances; Kari can only drop one (P1), three (P1 and P2) or seven (P1, P2 and P3) messages from his sequence of fifteen, as to drop any other number would require messages of equal priority to be handled differently, and would also upset the even spacing.

Although already implicit from the requirement that there are  $m-n+1$  messages in each cycle, claims 13 and 14 have been amended to make it explicit that in each cycle, each priority label occurs once only.

Accordingly, this entire application is now believed to be in allowable condition and a formal Notice to that effect is respectfully solicited.

POWERS et al.  
Appl. No. 09/914,601  
September 22, 2006

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:

A handwritten signature in cursive script that reads "Larry S. Nixon". The signature is written in black ink and is positioned above a horizontal line.

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